



# UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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<input type="checkbox"/>	EXAMINER
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<input type="checkbox"/>	ART UNIT	PAPER NUMBER
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DATE MAILED:

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No.	Applicant(s)
	Examiner	Group Art Unit

**—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE November MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

**Status**

Responsive to communication(s) filed on August 17, 2001.

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

- |   |   |
|---|---|
| Claim(s) <u>1, 3 and 4</u>                                  | is/are pending in the application.                  |
| Of the above claim(s) <u>3</u>                              | is/are withdrawn from consideration.                |
| Claim(s) _____  | is/are allowed.                                     |
| <input checked="" type="checkbox"/> Claim(s) <u>1 and 9</u> | is/are rejected.                                    |
| <input checked="" type="checkbox"/> Claim(s) _____          | is/are objected to.                                 |
| <input checked="" type="checkbox"/> Claim(s) _____          | are subject to restriction or election requirement. |

**Application Papers**

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The proposed drawing correction, filed on \_\_\_\_\_ is approved disapproved.
- The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119 (a)-(d)**

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some\* None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

**Attachment(s)**

- |   |  |
|---|--|
| Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ | Interview Summary, PTO-413                     |
| Notice of Reference(s) Cited, PTO-892                             | Notice of Informal Patent Application, PTO-152 |
| Notice of Draftsperson's Patent Drawing Review, PTO-948           | Other _____                                    |

**Office Action Summary**

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Group I in Paper No. 5 is acknowledged. The traversal is on the ground(s) that the article claim would not require little or no additional searching and examination. This is not found persuasive because Claims 1 and 5 are anticipated or obvious over, e.g., EP 0,104,436, EP 0,580,387 and, as such do not make a contribution over the prior art. Unity of invention is lacking and restriction is appropriate.

The requirement is still deemed proper and is therefore made FINAL.

2. Claim 3 is withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected group, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 5.

### ***Claim Rejections - 35 USC § 102/103***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made

Art Unit: 1711

5. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over EP 0,488,335.

EP "335 discloses a thermoplastic molding composition comprising (A) an aromatic polyamide comprising dicarboxylic acid units comprising 50-100 mol% of units derived from terephthalic acid and 0-50 mol% of units derived from an aliphatic dicarboxylic acid and aliphatic diamine units, (B) a grafted olefin polymer, (C) an aliphatic polyamide, (D) a phosphorus antioxidant and, optionally, other additives inclusive of inorganic fillers. Since the compositions of the reference meet the requirements of the present claims in terms of the types of materials added and their contents, there is a reasonable basis to presume that the former would inherently be suitable for welding.

As presently recited, the generic "inorganic filler" is anticipated by the phosphorus compound of the reference. In any event, the reference specifically states that inorganic fillers can be used.

***Claim Rejections - 35 USC § 103***

6. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0,580,387

EP '387 discloses a polyamide molding composition comprising (A) a polyamide composed of xylylenediamine and aliphatic dicarboxylic acid, (B) polyamide 66, (C) a copper compound, (D) carbon black, (E) an alkali metal halide and, optionally, inorganic fillers. The polyamide (A) may contain, besides the xylylenediamine component and the aliphatic dicarboxylic acid, an aliphatic diamine and an aromatic dicarboxylic acid (page 3, lines 6-19).

The reference differs in essence from the present claims in not expressly exemplifying a polyamide (A) comprising aromatic dicarboxylic acid component and an aliphatic diamine component. As noted hereinabove, the production of such a polyamide is clearly within the purview of the general disclosure of the reference. Accordingly, the use of a polyamide meeting the terms of applicants' polyamide A would have been obvious to one having ordinary skill in the art.

As presently recited, the generic "inorganic filler" is met by the C, D or E compounds of the reference. In any event, the reference specifically states that inorganic fillers can be used.

*Response to Arguments*

7. Applicant's arguments filed August 17, 2001 have been fully considered but they are not persuasive.

With respect to the EP 0,580,387 reference, applicants argue that it is not relevant to the present invention because the polyamides are composed of aromatic diamine. As noted hereinabove, the reference teaches polyamides composed of mixtures of aromatic and aliphatic diamines, which polyamides meet the requirements of the present claims.

With respect to the EP 0,488,335 reference, applicants argue that it comprises impact modifiers other than polyamides. The present claims are "comprising" claims and, as such, do not preclude additional ingredients. It is interesting to note that impact modifiers are disclosed in applicants' own specification at page 4.

8. Applicants' amendments have effectively overcome the 35 U.S.C. 112 and 35 U.S.C. 102 rejection over EP 0580387.

***Response to Amendment***

9. The amendment to the abstract has not been entered because the present application did not contain an abstract. An abstract on a separate page is requested.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

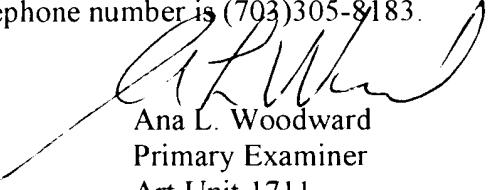
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ana L. Woodward whose telephone number is (703) 308-2401. The examiner can normally be reached on Monday-Friday (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (703) 308-2462. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Art Unit: 1711

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the receptionist whose telephone number is (703)305-8183.



Ana L. Woodward  
Primary Examiner  
Art Unit 1711

AW  
October 12, 2001